

**CERTIFIED TRUE COPY**

ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for State Board of Dentistry

By: Joseph Donofrio  
Deputy Attorney General  
(973) 648-2436

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF

PATTI A. HEISLER, D.D.S.  
License No. DI 18396

LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that "ABC Dental", owned by Patti A. Heisler, D.D.S. ("respondent"), located at 663 Palisade Avenue, Suite 203, Cliffside Park, New Jersey, was observed to be operating in an unsanitary manner. Specifically, it was observed that the office contained a large pile of charts on the reception desk and a large pile of charts stacked on the waiting room floor. Additionally, it was reported that the operatory floor was dirty and dusty. The air vents in the operatory were laden with dust and dust balls. Cobwebs were piled on the floor in the corner. It was also reported that there were "chemicals and supplies" piled on the floor of the operatory. Finally, respondent did not put on a smock or gown prior to commencing treatment nor did respondent wash her hands or put on gloves prior to commencing treatment.

On October 26, 2005, an investigator of the Enforcement Bureau, Division of Consumer Affairs, accompanied by a New Jersey licensed dentist acting as a field representative, conducted an inspection of the office. The investigator, acting in a covert capacity, previously called posing as the mother of a child in need of dental treatment. Respondent scheduled an appointment on

October 26, 2005. The inspection revealed that the office was extremely cluttered and dirty and not maintained in a sanitary manner. Specifically, supplies, paperwork and garbage were piled throughout the office. Several of the ceiling tiles were badly stained. A thick layer of dust was present throughout the office. Additionally, the cabinets in the operatory were extremely cluttered. The garbage can in the operatory was full to capacity and supplies were haphazardly scattered throughout the office. The sink in the operatory was rusty and did not have running water. There were no instruments observed in the operatory drawers, instead the instruments were stored in a dryclave. The instruments were rusty, contained debris, and were haphazardly arranged and piled on top of each other.

The inspection also revealed a lack of proper sterilization techniques. Specifically, respondent did not utilize an autoclave and instead utilized a dryclave to sterilize instruments. Respondent does not perform testing on the dryclave to determine effectiveness. Instead, respondent relied on the dryclave's thermometer to determine when the instruments are sterilized. There was no soap or hand towels present in the operatory. Additionally, a container for holding cold sterilization solution to sterilize instruments was not maintained in the office. Finally, respondent did not utilize a medical waste disposal company.

On January 18, 2006 respondent appeared with counsel, Richard Abrahamsen, Esq., at an investigative inquiry into the matter held by the Board. During the inquiry respondent acknowledged that just prior to the inspection, she had treated a patient in her office for the replacement of a crown. Respondent also acknowledged she did not have a contract with a medical waste disposal company. Instead, respondent gave her medical waste to an urgent care center located in the building.

Respondent testified regarding her instrument sterilization techniques. Respondent stated she washes her instruments with a "Lysol disinfectant", and puts them in the dryclave for one hour at 500 degrees Fahrenheit. Respondent admitted she did not keep her instruments in a sterilization bath prior to placement in the dryclave. She acknowledged she did not conduct weekly spore testing for her sterilization unit, nor did she utilize temperature sensitive paper to test the

temperature. Respondent acknowledged she did not bag or place her instruments in sterile containers once they are removed from the sterilization unit. Finally, respondent admitted there was no soap, towels or running water in the operatory on the date of the inspection.

Having reviewed the entire record, including the photographs of respondent's practice taken by the investigator on October 26, 2005, as well as the report submitted by the investigator concerning the October 26, 2005 inspection and the testimony of respondent at the investigative inquiry, it appears to the Board that respondent has failed to maintain her professional practice in a safe and sanitary condition. These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(d), for engaging in repeated acts of negligence and incompetence in that respondent failed to obtain a Department of Environmental Protection medical waste registration for over a three year period, failed to keep her instruments in a sterilization bath prior to placement in the dryclave, repeatedly failed to conduct weekly spore testing on her sterilization unit and did not utilize temperature sensitive paper to test the temperature of the unit. Respondent also failed to bag or place her instruments in sterile bags or containers once they were removed from the sterilization unit. Finally, the operatory did not have soap, towels and running water. These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional misconduct by failing to maintain her office in conformance with Center for Disease Control guidelines for sterilization and the disposal of medical waste.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 12<sup>th</sup> DAY OF June, 2006

HEREBY ORDERED AND AGREED THAT:

1. Respondent must immediately cease and desist practice at and close "ABC Dental" located at 663 Palisade Avenue, Suite 203, Cliffside Park, New Jersey. The office must remain closed until such time as respondent can demonstrate, and the Board is satisfied after reviewing documents submitted by respondent and reviewing an inspection to be performed by the Enforcement Bureau of the Division of Consumer Affairs, that respondent is complying with the

Center for Disease Control guidelines for sterilization and the disposal of medical waste. Specifically, respondent must demonstrate that the office and her practice conforms with the following requirements:

- a) Respondent must demonstrate that she employs an office cleaning service.
- b) Respondent must demonstrate that her sterilization unit is subject to appropriate sterilization monitoring. Respondent must either contract with a sterilization service or demonstrate the receipt or purchase of in-office equipment to conduct appropriate sterilization monitoring.
- c) Respondent must properly store all patient records and charts in order to maintain patient confidentiality and the integrity of radiographs.
- d) Respondent must properly dispose of all regulated medical waste including obtaining a medical waste registration number with the Department of Environmental Protection. Respondent must contract with a proper medical waste disposer and must maintain all records pertaining to the disposal of medical waste.
- e) Respondent must purchase an autoclave. All hand pieces and critical patient instruments must be autoclaved and bagged.
- f) Respondent must place all instruments in sterile containers, cassettes or bags, in order to prevent the open-air contamination of the instruments.
- g) Respondent must purchase an ultra-sonic cleaner to treat all instruments with appropriate materials such as enzymatic solution.
- h) Respondent must dispose of all non-heat stable items, such as impression trays. Alternatively, respondent must use heat stable materials that can be properly sterilized or demonstrate appropriate cold sterilization techniques for these items.
- i) Respondent must utilize appropriate barrier techniques in all treatment rooms.
- j) Respondent must clean all surfaces with Environmental Protection Agency registered intermediate level disinfectant with tuberculocidal claim.

- k) Respondent must wear appropriate protective wear for all patients and services provided.
- l) Respondent must remove all food items from the sterilization and work areas of the office.
- m) Respondent must wash her hands and change gloves between treating patients.

2. Respondent must successfully complete seven hours (7) of continuing education in sterilization techniques. Additionally, respondent must complete an Occupational Safety and Health Administration course. Respondent shall complete the attached continuing education Report and Proof of Attendance as proof of successful completion of the courses. The attached form is made part of this Consent Order.

3. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of five hundred dollars (\$500) for engaging in repeated acts of negligence and incompetence in that she failed to obtain a Department of Environmental Protection medical waste registration for over a three year period, failed to keep her instruments in a sterilization bath prior to placement in the dryclave, failed to conduct weekly spore testing for her sterilization unit, failed to utilize temperature sensitive paper to test the temperature of the unit and failed to bag or place her instruments in sterile bags or containers once they were removed from the sterilization unit. Finally, the operatory did not have running water. Payment shall be made no later than thirty (30) days from the entry of this Consent Order. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark New Jersey 07101.

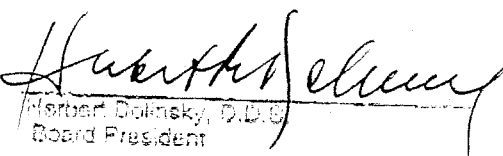
4. Respondent is assessed the costs of the investigation to the State in this matter in the amount of three thousand three hundred twenty dollars and ninety-three cents (\$3,320.93). Payment for the costs shall be submitted by certified check or money order made payable to the

State of New Jersey and submitted to the board no later than thirty (30) days from the entry of this Consent Order. Payment shall be sent to Kevin B. Earle at the address described in paragraph #3.

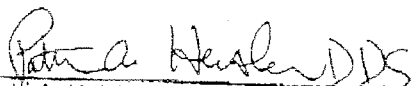
5. Failure to remit any payment required by this Order will result in the filing of a certificate of debt.

6. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

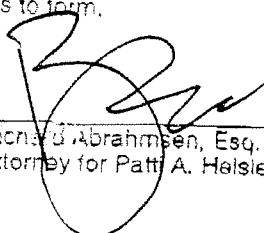
By:   
Herbert Dolinsky, D.D.S.  
Board President

I have read and understand this  
Consent Order and agree  
to be bound by its terms. I consent  
to the entry of this Order.

  
Patti A. Heisler, D.D.S.

Date \_\_\_\_\_

I consent to the entry of this order  
as to form.

  
Richard D. Abrahamson, Esq.  
Attorney for Patti A. Heisler, D.D.S.

Date \_\_\_\_\_